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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,464

10/20/2003

Mark Hirst

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02/22/2006

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EXAMINER

ROYER, WILLIAM J

ART UNIT

PAPER NUMBER

2852

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/689,464	<b>Applicant(s)</b> HIRST ET AL.	
	<b>Examiner</b> William J. Royer	<b>Art Unit</b> 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3 and 5-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,5-10,15,23 and 26 is/are allowed.
- 6) ☒ Claim(s) 11-14,16-22,24,25 and 27-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments filed December 13, 2005 have been fully considered but they are not persuasive. The argument that the Office Action fails to establish a prima facie case of obviousness for Claims 11-14, 16-22, 24, 25 and 27-40 is not persuasive because Dowling states that: "This device could be placed on any potentially hot surface and create a warning device" at column 8, lines 19-21. Consequently, since a fuser may have a hot surface it would have been obvious to one of ordinary skill in the art at the time the invention was made that the device disclosed by Dowling could be used in a fuser. Dowling does not need to specifically state that the indicating system is used in a "fuser" or "imaging system" as argued by the applicant but merely provide sufficient teachings for one of ordinary skill in the art having the reference to make the proposed substitution, combination or modification which the examiner believes is met by Dowling since Dowling clearly states that the device can be placed on any potentially hot surface, i.e., a fuser or an imaging system having a fuser .

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 11-14, 16-22, 24, 25 and 27-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling.

Dowling discloses an indicating system to provide a warning system for use with hot surfaces to warn of the hot surface. The indicating system includes: an alternate power supply 202 that could be a Seebeck device (i.e., thermoelectric generator), as disclosed by Dowling, adapted to thermally couple to a heated surface of a device and configured to convert heat from the heated surface of the device to electrical energy; and an LED 4 (i.e., indicating device) powered by the electrical energy configured to provide an indication of when a temperature level of the heated surface is above a temperature threshold. Further, it is disclosed that the light emitted from the system changes in color and/or intensity as the temperature of the heated surface changes. Furthermore, it is disclosed that the light for such a system may be modulated in many ways, including changing intensity, color, temporal patterns, strobing light to steady state effects or the like at column 2, lines 41-55. Besides the above, as shown in Figure 4, it is disclosed that the light produced from an LED may be projected onto or through a material 402 (i.e., warning label) with the light projected from the LED creating the effect that the surface has been illuminated. The material may be a translucent material, etched material, semi-translucent material, transparent material, colored material or other material known to one of ordinary skill in the art as disclosed in column 7, lines 36-39. Lastly, it is disclosed that the warning can be achieved through other types of visible indication, aural indication, tactile indication, olfactory indication, or any combination of the foregoing at column 8, lines 26-32.

Dowling does not specifically state that the disclosed indicating system may be provided in an imaging system that includes a fuser.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the indicating system of Dowling could be used in a fuser because the surfaces of a fuser can become hot and Dowling teaches that the disclosed indicating system can be used as a warning system for use with any potentially hot surface to warn operators of the hot surfaces.

### ***Allowable Subject Matter***

Claims 3, 5-10, 15, 23 and 26 are allowable over the prior art of record because the prior art of record fails to teach or suggest using a heat sink in combination with an indicating system.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2852

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Royer whose telephone number is (571) 272-2140. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink that reads "William J. Royer". The signature is written in a cursive, flowing style.

William J. Royer  
Primary Examiner  
Art Unit 2852

wjr  
February 17, 2006